IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

Crl.MC.No. 3958 of 2006()

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PETITIONER: ACCUSED:

JEEJI PAUL, AGED 36,
S/O.PAUL VARKEY, C.C.10/1169,
MULLAVALAPPU VELY, FORT KOCHI, NOW RESIDING AT
C.C.22/212, V.A.T. ROAD, PADASEKHARAM ROAD,
EDAKOCHI, ERNAKULAM.

BY ADV. SMT.DIJI.K.DASAN

RESPONDENTS: DEFACTO COMPLAINANT AND STAT OF KERALA:
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1. NEENA JEEJI, AGED 31,
W/O.JEEJI, C.C.11/540, PATTALAM DESOM,
MAKKANAL GARDEN, FORT KOCHI, NOW RESIDING AT
C.C. 22/212, V.A.T. ROAD, PADASEKARAM ROAD,
EDAKOCHI, ERNAKULAM.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. GIKKU JACOB.
BY ADV. SRI.P.V.BIJUMON

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO.3958 OF 2006

Dated this the 8th day of December, 2006

ORDER

The petitioner faces indictment in a prosecution for the offence punishable under Sec.498A of the IPC. Investigation was conducted by the police. Final report was filed before the learned Magistrate. Cognizance has already been taken. The petitioner has now come to this Court with the prayer that the prosecution may be quashed inasmuch as the spouses have now settled their disputes and the complainant/wife has compounded the offence committed by the petitioner. There is harmony in the matrimony now and they are residing together, it is submitted.

2. The respondent/complainant has entered appearance through counsel. The rival contestants have filed a joint application. Both counsel vouch for the signatures in the joint application. Both counsel pray that the powers under Sec.482 of the Cr.P.C., as explained in **B.S. Joshy v. State of Haryana** (AIR 2003 SC 1386), may be invoked to quash the proceedings and put to an end of the misery and sufferings of

the petitioner.

3. I am satisfied, it having been reported that the spouses have settled their disputes and they are living in harmony now, that powers under Sec.482 of the Cr.P.C. can be invoked and the proceedings initiated against the petitioner can be quashed.

4. In the result:

(a) This Crl.M.C. is allowed.

(b) C.C.No.320/05 against the petitioner under Sec.498A of the Cr.P.C. filed by the respondent/wife is hereby quashed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge